REMARKS

Initially, Applicant thanks the Examiner for indicating the allowability of claims 9, 10, 12 and 13, if rewritten into independent form, including all of the limitations of the base claim and any intervening claims.

Applicant notes that the present Reply is being submitted after a final Official Action has been mailed. Applicant respectfully requests entry and consideration of the present Reply, including the amendments provided herein, and believes that such entry and consideration is proper. Applicant also respectfully requests the Examiner to reconsider and to withdraw all of the rejections made in the Action, and to allow the application to mature to a U.S. letters patent. Applicant believes that such action is proper and called for, for at least the reasons provided below.

Applicant recognizes that Applicant cannot, as a matter of right, amend any finally rejected claims. However, Applicant also recognizes that any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. Since the herein provided amendments to independent claims 1-3 amend the claims to include the subject matter recited in dependent claims 14-16 (which will have been canceled without prejudice or disclaimer of the subject matter recited therein), respectively, and clarify Applicant's invention, without requiring further search and/or consideration by the Examiner, entry of this Reply, including the amendments made herein, is submitted to be proper. Applicant submits that no prohibited new matter has been added by any of the amendments contained herein.

Upon entry of the present Reply, claims 1-13 will be pending, of which claims 1-3 will have been amended, and claims 14-16 will have been canceled without prejudice or disclaimer of the

subject matter recited therein, in order to expedite prosecution of the present application. Applicant respectfully submits that claims 1-13 are in condition for allowance for at least the reasons set forth below. Thus, Applicant respectfully requests that the Examiner reconsider and withdraw all rejections and indicate the allowability of claims 1-13 in the next official communication.

In the Action, six separate grounds of rejection are presented. In particular, claim 1 is rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 2, 4, 5, 7, 8 and 11 stand rejected under 35 U.S.C. § 102(a) as being anticipated by SASAKI et al. (U.S. Patent No. 6,515,698). Claim 3 is rejected under 35 U.S.C. § 102(b) as being anticipated by KOBAYASHI et al. (U.S. Patent No. 5,390,028). Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over KOBAYASHI et al. in view of SASAKI et al. Claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over SASAKI et al. in view of TANJI et al. (U.S. Patent No. 6,515,699). Claim 16 is rejected under 35 U.S.C. § 103(a) as being unpatentable over KOBAYASHI et al. in view of TANJI et al. Applicant respectfully traverses each of these rejections for at least the following reasons.

Regarding the rejection of claim 1 under 35 U.S.C. § 101, Applicant initially notes that Applicant contacted Examiner Selby on June 27, 2007, requesting clarification with regard to this rejection. In particular, Applicant's representative, Safet Metjahic, contacted Examiner Selby and explained that the Examiner's remarks in the Action (*i.e.*, "Therefore, the 35 U.S.C 101 rejection is withheld," at page 3, lines 9-10) are not consistent with the rejection of claim 1 under 35 U.S.C. § 101, as set forth at page 6 of the Action. In response to Mr. Metjahic's request for clarification, Examiner Selby clarified that he has not withheld the rejection of claim 1 under 35 U.S.C. § 101, in

spite of the statement at page 3, lines 9-10 of the Action.

Applicant respectfully reiterates Applicant's arguments presented in the Amendment filed March 30, 2007. Rather than reproduce the arguments herein, Applicant incorporates herein by reference the substance of the arguments presented at page 8 through page 10 of the Amendment, filed March 30, 2007, with regard to the rejection of claim 1 under 35 U.S.C. § 101. Applicant respectfully submits that Applicant has rebutted the rejection of claim 1 under 35 U.S.C. § 101 and shown the subject matter of claim 1 to fall squarely within the purview of the statute. Applicant further submits that the Examiner has not addressed Applicant's arguments, but has merely repeated the same grounds for rejection from the earlier Official Action, dated January 5, 2007, without any supportive explanation or argument. Accordingly, Applicant respectfully requests that, should the Examiner maintain this rejection, the Examiner explain the grounds for the rejection of claim 1 under 35 U.S.C. § 101, explaining why the subject matter of claim 1 is not statutory and why Applicant's arguments, as presented, *e.g.*, in the Amendment filed March 30, 2007, fail to be convincing, as required for a *prima facie* case of rejection to stand, or withdraw the rejection of claim 1 under 35 U.S.C. § 101 in its entirety. Applicant submits that the latter option is the proper action, since the subject matter of claim 1 is statutory and thus entitled to patent protection with regard to 35 U.S.C. § 101, for at least the reasons set forth in the Amendment, filed March 30, 2007.

Regarding the rejection of claims 1, 2, 4, 5, 7, 8 and 11 under 35 U.S.C. § 102(a) based on SASAKI et al., Applicant respectfully traverses this rejection. Applicant respectfully submits that SASAKI et al. do not disclose recording data indicating a process order in which image correction process are performed, as recited, *e.g.*, in independent claims 1 and 2, much less an information

recording area that stores the data, as recited in independent claim 1, or a process order determining processor and an image signal restoring processor, as recited in independent claim 2. Applicant further submits that SASAKI et al. do not disclose the plurality of image processes including a gamma correction, as recited in each of claims 1 and 2 upon entry of the present Reply, including the amendments made herein.

According to an aspect of the present invention, an image signal can be subjected to optimum image correction processes when using an arbitrary display device. For example, according to at least one aspect of the invention, an image recording medium is provided that comprises an image recording area that stores an image signal, the image signal being subjected to a plurality of image correction processes in a process order, the plurality of image correction processes including a gamma correction. The medium further comprises an information recording area that stores data indicating the process order in which the image correction processes are performed. According to another aspect of the invention, an image signal process order device is provided. The image signal process order device processes a corrected image signal obtained by performing a plurality of image correction processes to an image signal in a process order, the plurality of image correction processes including a gamma correction. The device comprises a process order determining processor that determines the process order and an image signal restoring processor that performs a plurality of restoration processes to the corrected image signal to restore the image signal, the plurality of restoration processes being performed in a restoring order which is the reverse of the process order. Applicant respectfully submits that SASAKI et al. do not disclose the above aspects of Applicant's invention. Thus, according to aspects of the present invention, when carrying out image correction

processes in conformity with the indication characteristics of a display device on which an image is indicated, the process order in which the image correction processes are performed is recorded in a recording medium.

Contradistinctively, SASAKI et al. are directed to an image recording apparatus that is similar to the conventional electronic still camera described at, *e.g.*, page 1 of the specification of the present application. That is, referring to, *e.g.*, FIG. 12, the image recording apparatus of SASAKI et al. is constructed such that an image signal obtained by an imaging device 101 is subjected to image correction processes in an analog processing section 102, including correlated double sampling and automatic gain control. The processed image signal is digitized (*e.g.*, A/D 103, FIG. 12), compressed (*e.g.*, compression section 104, FIG. 12) and recorded on a detachable semi-conductor memory 111. However, referring to, *e.g.*, column 7, line 44, to column 8, line 42, the digitized and compressed image signal is recorded in the memory 111 only after a plurality of header parts 201 through 208 (in FIG. 14), corresponding to a single image, have been recorded in the memory 111. The header parts 201 through 208 are recorded with data regarding the frequency of a horizontal clock pulse used for driving the CCD 101 (part 201), the number of pixels of the CCD 101 (part 202), a method of driving the CCD 101 (part 203), the start position of light shielding portion provided on the CCD 101 (part 204), information representing the kind of color filter assembly used (part 205), matrix coefficients suitable for use in converting color signals corresponding to color filters (part 206), a correlative color temperature that is measured at the time the image is captured (part 207) and the kind of compression algorithm used to compress the image signal (part 208).

Applicant submits that SASAKI et al. do not disclose recording data indicating a process

order in which image correction process are performed, as recited, *e.g.*, in independent claims 1 and 2, much less an information recording area that stores the data, as recited in independent claim 1, or a process order determining processor and an image signal restoring processor, as recited in independent claim 2. Rather, SASAKI et al. disclose writing information on various kinds of characteristics of a CCD device used for the imaging device 101, as well as for driving the imaging device 101 and other conditions present at the time of capture of an image by the imaging device 101.

Furthermore, at page 11 of the Action, the Examiner concedes "The Sasaki reference does not disclose wherein said plurality of image correction processes includes a gamma correction." Thus, SASAKI et al., by the Examiner's own admission, do not disclose the invention of amended claims 1 and 2, each of which will have been amended upon entry of the present Reply to include recitation of, *e.g.*, "the plurality of image correction processes including a gamma correction," from claims 14 and 15, respectively (with claims 14 and 15 being canceled upon entry of this Reply). Accordingly, for at least this additional reason, the rejection of claims 1 and 2 under 35 U.S.C. § 102 based on SASAKI et al. should be reconsidered and withdrawn.

Regarding the further recitation of "the plurality of image correction processes including a gamma correction," the Examiner previously relied on TANJI et al. only to teach a camera that performs a gamma correction process to avoid aliasing. Therefore, Applicant submits that TANJI et al. do not cure the noted-above deficiencies of SASAKI et al., *i.e.*, failing to disclose recording data indicating a process order in which image correction process are performed, as recited, *e.g.*, in independent claims 1 and 2, and failing to disclose an information recording area that stores the data,

as recited in independent claim 1, or a process order determining processor and an image signal restoring processor, as recited in independent claim 2.

Turning to the Examiner's arguments at pages 2-4 of the Action, the Examiner argues the following, at page 3, lines 11-16 of the Action:

> In response to applicant's argument that "configured to store", "configured to determine", configured to perform", "configured to record", "configured to read" distinguishes the claims form the prior art, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Applicant contests the characterization of the terms as recitations of intended use. Applicant submits that each of the terms, *e.g.*, "configured to store", "configured to determine", "configured to perform", "configured to record" and "configured to read", further defines the structure with which the term is associated. Thus, Applicant submits that each of the terms enumerated by the Examiner are not intended uses, but further limiting terms, which limit the structure with which the terms are associated. Accordingly, the terms may not be summarily dismissed by the Examiner, but should be considered and given patentable weight.

Next, beginning at page 3, line 17, through page 4, line 12, of the Action, the Examiner essentially copies the rejection of claims 1 and 2 and reproduces it verbatim. However, the Examiner does not address Applicant's argument, *inter alia*, that SASAKI et al. do not disclose recording data indicating a process order in which image correction process are performed, which is required by each of independent claims 1 and 2.

Accordingly, because SASAKI et al. do not disclose each and every element recited in independent claims 1 and 2, the rejection of claims 1 and 2 under 35 U.S.C. § 102 based on SASAKI et al. should be reconsidered and withdrawn. Moreover, since claims 4, 5, 7, 8 and 11 depend from independent claim 2, and these claims are also submitted to be patentable for the reasons provided with regard to independent claim 2, as well as for their own recitations, the rejection of claims 4, 5, 7, 8 and 11 under 35 U.S.C. § 102 based on SASAKI et al. should also be reconsidered and withdrawn. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2, 4, 5, 7, 8 and 11 under 35 U.S.C. § 102 based on SASAKI et al. and an indication of the allowability of the claims in the next official communication.

Furthermore, recognizing that independent claims 1 or 2 have not been rejected under 35 U.S.C. § 103 based on SASAKI et al. and/or TANJI et al., Applicant notes that independent claims 1 or 2, as well as the claims that depend from claims 1 or 2, are patentable over any proper combination of SASAKI et al. and/or TANJI et al., for at least the reasons discussed above.

Regarding the rejection of claim 3 under 35 U.S.C. § 102(b) as being anticipated by KOBAYASHI et al., Applicant respectfully traverses this rejection. Applicant respectfully submits that KOBAYASHI et al. fails to disclose recording the process order in which image correction processes are performed, much less a process order recording processor, a process order reading processor and an image signal restoring processor, as recited in, *e.g.*, claim 3. Applicant further submits that KOBAYASHI et al. do not disclose the plurality of image processes including a gamma correction, as recited in claim 3 upon entry of the present Reply, including the amendments made herein.

As discussed in Applicant's prior Amendment, filed March 30, 2007, KOBAYASHI discloses a picture signal converting apparatus that converts a picture signal obtained from a video camera into a film recording signal. During the conversion process, KOBAYASHI et al. teach processing input video data VD 13 (*see* Fig. 3) by multiplying the data "by characteristics that are the reverse of gamma correction characteristics applied in the video camera 21, thus forming picture data corresponding to the picture originally inputted to the video camera 21" (*see* column 6, lines 11-15). KOBAYASHI et al. store the reverse gamma correction characteristics in a ROM (*see* column 6, lines 10-20). However, KOBAYASHI et al. do not disclose recording a process order as recited in claim 3, much less a process order recording processor, a process order reading processor and an image signal restoring processor as recited in claim 3.

Furthermore, at page 12 of the present Action, the Examiner concedes "The Sasaki [*sic*, KOBAYASHI et al.] reference does not disclose wherein said plurality of image correction processes includes a gamma correction." Thus, KOBAYASHI et al., by the Examiner's own admission, do not disclose the invention of amended claim 3, which will have been amended upon entry of the present Reply to include recitation of, *e.g.*, "the plurality of image correction processes including a gamma correction," from claim 16 (with claim 16 being canceled upon entry of this Reply). Accordingly, for at least this additional reason, the rejection of claim 3 under 35 U.S.C. § 102 based on KOBAYASHI et al. should be reconsidered and withdrawn.

Regarding the further recitation of "the plurality of image correction processes including a gamma correction," the Examiner relied on TANJI et al. only to teach a camera that performs a gamma correction process to avoid aliasing. Therefore, Applicant submits that TANJI et al. do not

cure the noted-above deficiencies of KOBAYASHI et al., *i.e.*, failing to disclose a process order recording processor, a process order reading processor and an image signal restoring processor as recited in claim 3.

Turning to the Examiner's arguments, *e.g.*, beginning at page 4, line 15, through page 5, line 10, of the Action, the Examiner essentially copies the rejection of claim 3 from the earlier Official Action, dated January 5, 2007, and reproduces it verbatim. However, the Examiner does not address Applicant's argument, *inter alia*, that KOBAYASHI et al. do not disclose recording a process order as recited in claim 3, much less a process order recording processor, a process order reading processor and an image signal restoring processor as recited in claim 3.

Accordingly, because KOBAYASHI et al. do not disclose each and every element recited in independent claim 3, the rejection of claim 3 under 35 U.S.C. § 102 based on KOBAYASHI et al. should be reconsidered and withdrawn. Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 3 under 35 U.S.C. § 102 based on KOBAYASHI et al. and an indication of allowability of the claim in the next official communication.

Furthermore, recognizing that independent claim 3 has not been rejected under 35 U.S.C. § 103 based on KOBAYASHI et al. and/or TANJI et al., Applicant notes that independent claim 3, as well as the claims that depend from claim 3, are patentable over any proper combination of KOBAYASHI et al. and/or TANJI et al., for at least the reasons discussed above.

Regarding the rejection of claim 6 under 35 U.S.C. § 103(a) as being unpatentable over KOBAYASHI et al. in view of SASAKI et al., Applicant respectfully traverses this rejection. Applicant submits that any proper combination of SASAKI et al. and/or KOBAYASHI et al. would

not disclose or render obvious the aspect of recording a process order as recited in claim 3, from which claim 6 depends, much less a process order recording processor, a process order reading processor and an image signal restoring processor as recited in claim 3.

As discussed above with regard to claim 3, from which claim 6 depends, KOBAYASHI et al. do not disclose recording a process order, much less a process order recording processor, a process order reading processor and an image signal restoring processor as recited in claim 3. Applicant respectfully adds that KOBAYASHI et al. do not render obvious the aspects of a process order recording processor, a process order reading processor and an image signal restoring processor as recited in claim 3. Moreover, SASAKI et al. do not disclose recording a process order, as discussed above with regard to independent claims 1 and 2, much less a process order recording processor, a process order reading processor and an image signal restoring processor as recited in claim 3. Furthermore, SASAKI et al. do not render obvious the aspects of a process order recording processor, a process order reading processor and an image signal restoring processor as recited in claim 3. Accordingly, Applicant submits that any proper combination of KOBAYASHI et al. and SASAKI et al. would not disclose or render obvious recording a process order, much less disclose or render obvious a process order recording processor, a process order reading processor and an image signal restoring processor as recited in claim 3. Thus, Applicants submit that claim 6, which depends from claim 3, is patentable for the same reasons provided with regard to claim 3, in addition to being patentable for its own recitations.

In the paragraph bridging pages 10 and 11 of the Action, the Examiner concedes that KOBAYASHI et al. "does not disclose wherein data indicating the process order is recorded in an

information recording area of the recording medium, and the image signal is recorded in an image recording area of the recording medium." The Examiner, therefore, provides SASAKI et al. to show the features which are admittedly missing from KOBAYASHI et al. However, Applicant respectfully submits that SASAKI et al. do not teach that which is missing in KOBAYASHI et al. and, therefore, fail to remedy the shortcomings found in KOBAYASHI et al.

Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness. Applicant submits that the Examiner has used impermissible and improper hindsight in formulating the rejection at issue. Outside of the teachings of Applicant's above-captioned application specification, Applicant submits that one of ordinary skill in the art would not have had any reason to combine KOBAYASHI et al. with SASAKI et al. as suggested by the Examiner. For example, the field of endeavor for two of the two references is different, SASAKI et al. being directed to an image recording apparatus for storing still images in a semiconductor memory and KOBAYASHI et al. being directed to an apparatus for recording moving images on a film using an electron beam recorder (EBR). Accordingly, one of ordinary skill in the art at the time the invention was made would not have had any reason to attempt to combine, much less combine, KOBAYASHI et al. with SASAKI et al., as suggested by the Examiner.

Further, even if one were to attempt to combine KOBAYASHI et al. with SASAKI et al. (which, Applicant submits one of ordinary skill in the art would not have had any reason to do), as suggested by the Examiner, the combination would still fail to disclose or render obvious all of the recitations of claim 3, much less claim 6, which depends from claim 3. For example, the combination fails to provide a teaching for the recitations of, *inter alia*, "a process order recording

processor configured to record the process order in the recording medium; a process order reading processor configured to read the process order from the recording medium; and an image signal restoring processor configured to perform restoration processes to the corrected image signal to restore the image signal, the restoration processes being performed in a restoring order which is the reverse of the process order," as recited in claim 3.

In the remarks section of the Action, *e.g.*, beginning at page 5, line 11, through page 6, line 6, the Examiner argues that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning, further arguing a motivation to save image information with an image. However, the Examiner does not address Applicant's argument that even if one were to combine KOBAYASHI et al. with SASAKI et al. (which, Applicant submits one of ordinary skill in the art would have had no reason to do), any proper combination would not disclose or render obvious recording a process order, much less disclose or render obvious a process order recording processor, a process order reading processor and an image signal restoring processor, as recited in claim 3, from which claim 6 depends.

Thus, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. § 103, and an indication of the allowability of claim 6 in the next official communication, for at least the reasons discussed above.

Regarding the rejection of claims 14 and 15 under 35 U.S.C. § 103(a) as being unpatentable over SASAKI et al. in view of TANJI et al., as well as the rejection of claim 16 under 35 U.S.C. § 103(a) as being unpatentable over KOBAYASHI et al. in view of TANJI et al., Applicant notes that these claims have been canceled. Nonetheless, Applicant traverses these rejections in so far as they

apply to the amended claims 1-3 as amended herein upon entry of the present Reply, for at least the reasons discussed above with regard to claims 1-3.

Thus, Applicant respectfully requests reconsideration and withdrawal of all rejections, and allowance of this application to mature into U.S. patent, including claims 1-13.

SUMMARY AND CONCLUSION

In view of the foregoing, it is submitted that the rejections of claims 1-16 under 35 USC §§ 101, 102 and 103 in the Official Action dated June 19, 2007, should be withdrawn. The present Reply is in proper form, and none of the references teach or suggest Applicant's claimed invention. In addition, the applied references of record have been discussed and distinguished, while significant features of the present invention have been pointed out. Accordingly, Applicant requests timely allowance of the present application.

Applicant notes that this Reply is being made to advance prosecution of the application to allowance, and no acquiescence as to the propriety of the Examiner's rejections is made by the present Reply. All amendments to the claims which have been made in this Reply, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Applicant further notes the status of the present application as being an after final rejection and with respect to such status believes that there is a clear basis for the entry of the present Reply consistent with 37 C.F.R. § 1.116. Applicant notes amendments after final are not entered as a matter of right; however, Applicant submits that the amendments made to the pending claims do not raise any new issues requiring further search or consideration. It is also submitted that the present Reply does not raise the question of new matter. Moreover, the present Reply clearly places the present application in condition for allowance.

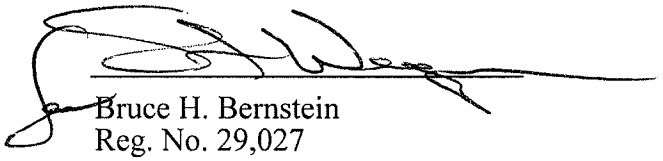
Accordingly, Applicant respectfully request sentry of the present Reply, and the amendments

contained therein, in accordance with the provisions of 37 C.F.R. § 1.116, reconsideration and withdrawal of the outstanding rejections, and indication of the allowability of the claims pending herein.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Koichi SATO



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